

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

DECLARATION OF DAVID K. MOMBORQUETTE

David K. Momborquette, an attorney admitted to practice before this Court, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner in the law firm McDermott Will & Emery LLP, counsel to Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. in the above-captioned action. I submit this declaration to provide the Court with the documents referenced in Respondents' Memorandum of Law in Opposition to Petitioners' Application to Confirm Interim Measures Arbitration Award and In Support of Respondents' Cross-Motion to Vacate Interim Measures Arbitration Award and to Stay Application to Confirm.

2. Attached hereto as Exhibit A is a true and correct copy of Mullen Automotive, Inc.'s Form 8-K/A, which was filed on November 19, 2021.

3. Attached hereto as Exhibit B is a true and correct copy of Procedural Order No. 13, which was entered on November 30, 2023, in the ongoing arbitration proceeding between Petitioners and Respondents, entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC*

SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc., AAA Case No. 01-21-0016-7001 (the “Arbitration”).

4. Attached hereto as Exhibit C is a true and correct copy of the Contribution and Spin-Off Agreement, dated May 12, 2021.

5. Attached hereto as Exhibit D is a true and correct copy of the Decision and Order on Application for Interim Measures, which was issued in the Arbitration on August 3, 2023.

6. Attached hereto as Exhibit E is a true and correct copy of Procedural Order No. 1, which was issued in the Arbitration on December 21, 2021.

7. Attached hereto as Exhibit F is a true and correct copy of Respondents’ Phase Two Opening Brief in the Arbitration, which was submitted on January 12, 2024.

8. Attached hereto as Exhibit G is a true and correct copy of Respondents’ Opposition to Petitioners’ Motion for Interim Award of Relief, which was filed in the Arbitration on December 29, 2023.

Dated: New York, New York
March 1, 2024

/s/ David K. Momborquette
David K. Momborquette

CERTIFICATE OF SERVICE

I hereby certify that, on March 1, 2024, I caused the foregoing Declaration to be served on the following counsel for Petitioners via email. The following counsel have confirmed that they represent Petitioners in this action and provided written consent to electronic service via email.

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/s/ David K. Momborquette

David K. Momborquette